# Overpayments from Social Security

An overpayment happens when Social Security decides you received more money than you were supposed to get, either in your monthly disability benefit check or your lump sum back payment.

## What can cause a Social Security overpayment?

There are many reasons Social Security may think you have been overpaid.  Some examples include:

- When you or your spouse go back to work and the earnings are not taken into account in figuring your monthly benefit amount.
- When you have income from other sources that has not been taken into account in figuring your monthly benefit amount.
- When Social Security incorrectly calculates the amount of retroactive (back) disability benefits owed to you.
- When your living situation changes (your rent increases or decreases, your electricity is now included in your rent, you get a roommate who pays room and board) and these changes affect the amount of your SSI but Social Security has not considered them in determining your SSI benefit for the month(s).

## What do I do if I receive a Social Security overpayment notice?

Review the overpayment notice and determine why Social Security alleges you have been overpaid.

- If you disagree you were overpaid (dispute the facts) ? ask for “reconsideration” of the overpayment.
- If you agree you were overpaid (do not dispute the facts) but it was not your fault you were overpaid ? ask for  a “waiver” of the overpayment.
- If you agree you were overpaid (do not dispute the facts) and it was your fault you were overpaid ? negotiate a reasonable payment plan with Social Security.

The options below explain what you should do and when:

### Pay it back when:

- Overpaid and it is your fault
    - Call Social Security and set up a repayment plan
    - Negotiate a plan that allows you to meet your basic needs
    - SSI overpayment - no more than 10% of your monthly benefit

### Ask for a Waiver when:

- Overpaid but it is not your fault
    - Prove it is not your fault AND prove you cannot afford to pay it back

- No deadline for submission
- Collections cease when asked.

**Ask for Reconsideration when:**

- Not overpaid
  - Prove you were not overpaid - submit evidence in support.
  - Must ask for reconsideration within 60 days from the date of the overpayment notice
  - Collections cease when asked.

## What if Social Security is alleging the overpayment is a result of fraud?

Call Utah Legal Services immediately at (801) 328-8891, Toll Free: 1-800-662-4245. We may be able to assist you with your case. At a minimum, we can offer you legal advice.

## How can I stop Social Security from collecting the overpayment from my monthly benefit check?

- Once you submit a request for a waiver or a request for reconsideration, Social Security will stop collections until they make a decision.
- If you submit your request for a waiver or a request for reconsideration within 30 days of the date of the overpayment notice, Social Security will not even start collecting the overpayment until a decision is made.

## Where can I get a form to ask for Reconsideration and/or a Waiver Request on my Social Security overpayment?

- Walk into your local Social Security Office and ask them for the forms.
- Call Social Security at 1-800-772-1213 and ask them to send you the forms.
- Go to Social Security's Web-page at http://www.ssa.gov/online/#Other and under "other SSA forms" choose: SSA-632-BK "Request for Waiver of Overpayment," and/or SSA-561-U2 for "Request for Reconsideration."

## Where can I get legal help with my Social Security overpayment?

Utah Legal Services (801) 328-8891 in the Salt Lake area, or Toll Free: 1-800-662-4245. Call between 9 and 2, Monday - Friday to open a new intake.

## What can I do to keep a Social Security overpayment from happening?

To prevent a Social Security overpayment from happening, you should do the following:

- Report all changes in your household (earnings, work activity, etc.) within ten days (10) of the event or no later than the tenth (10th) of the following month.
- Try to report all changes to the particular Social Security worker(s) assigned to your case.
- Keep copies of all documents you receive from Social Security.
- Keep a copy of all requests and reports you make to Social Security.
- Make all requests and reports to Social Security in writing.
- Always get proof from Social Security that you have reported a significant change to them. Have a copy of the report you submit "dated-stamped" by a worker at the Social Security office or send your report "return receipt requested." While it does cost more than regular mail, it requires Social Security to sign for the document and the post-office sends you a "receipt" showing that Social Security signed for (received) the document.

## What do I have to report to Social Security?

- Report if you go to work.
- Report if you get a raise – report every raise you get.
- Report if you quit work or lose your job.
- Report if your spouse or child goes to work/gets a raise.
- Report if you get insurance money, an inheritance or win the lottery.
- If you receive SSI report any changes to the amount you pay in rent.
- **Always! If in doubt, Report It!**

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**Topics**

SSI & SSDI

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